

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JULY 23, 2014

8:45 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

'14 JUL 17 P1:44

A. MEETING CALLED TO ORDER.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

E. SPECIAL ORDER OF THE DAY:

1. C 2014-199 Communication (07/02/2014) from the County Clerk, transmitting a 2014 Charter Amendment Petition relating to "A New Article XXXIII Protecting Right To Clean And Healthful Environment From Hazards Of GMO Agriculture, Establish Administrator Of Environmental Health, And Provide For Enforcement" submitted by Petitioners' Committee "Kaua'i Rising" pursuant to Section 24.01(B) of the Kaua'i County Charter. (*Confidential petitioners listing on file in the County Clerk's Office.*) (*Pursuant to Council Rule No. 5(e), Council Absence, Tie Vote*)

F. CONSENT CALENDAR:

1. C 2014-206 Communication (07/07/2014) from the Budget and Purchasing Director, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2013-2014, pursuant to Section 17 of Ordinance No. B-2013-753, the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014.

2. C 2014-207 Communication (07/08/2014) from the Acting Director of Personnel Services, transmitting for Council information, the April-June 2014 Department of Personnel Services Quarterly Report, pursuant to Section 19 of Ordinance No. B-2013-753, the Operating Budget of the County of Kaua'i for the Fiscal Year 2013-2014, which includes new hires, transfers, reallocations, promotions, and vacancies for the fourth quarter.
3. C 2014-208 Communication (07/11/2014) from Council Chair Furfaro, transmitting for Council consideration and confirmation, Council appointee Ivory K. McClintock to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (At-Large), who will serve a partial term ending on December 31, 2014. She will then be eligible for a full term thereafter. *(Copy of application on file in the Clerk's Office.) (See Resolution No. 2014-41)*

G. COMMUNICATIONS:

1. C 2014-209 Communication (06/24/2014) from the Executive on Aging, requesting Council approval to apply for, receive, and expend funds from the grant amendment awarded by the Corporation for National and Community Service to the County of Kaua'i's Agency on Elderly Affairs, Kaua'i Retired and Senior Volunteer Program (RSVP) for a one-time augmentation in the amount of \$2,500, which would be in addition to the carry forward amount of \$1,194, and \$62,847 grant funds already awarded, to assist the Kaua'i RSVP in carrying out a national service program as authorized by the Domestic Volunteer Services Act of 1973, as amended, (Title 42 United States Code (USC), Chapter 22).
2. C 2014-210 Communication (06/30/2014) from the Chief Licensing Examiner and Inspector, requesting Council approval to apply for, receive, and expend grant funds in the total amount of \$42,204, comprised of two (2) Federal grants in the amounts of \$17,204 and \$25,000. These grant moneys would be used to purchase equipment for the Driver License Division's Security Floor Plan (SFP), which is needed to achieve full compliance with the Real I.D. Act of 2005.
3. C 2014-211 Communication (07/11/2014) from the County Attorney, requesting authorization to expend additional funds up to \$100,000 for Special Counsel's continued services provided in Grant W. Gribble vs. County of Kaua'i, et al., Civil No. 08-1-0231 (Fifth Circuit Court), and related matters.

4. C 2014-212 Communication (07/11/2014) from the County Attorney, requesting authorization to expend additional funds up to \$20,000 to enable Special Counsel's continued representation in Michael G. Sheehan vs. County of Kaua'i, et al., Civil No. 10-1-0161 (Agency Appeal), Fifth Circuit Court, currently being appealed by Mr. Sheehan under Intermediate Court of Appeals No. CAAP-11-0000601, Michael G. Sheehan vs. County of Kaua'i, et al., Civil No. CV12-00195 HG BMK, U.S. District Court, and related matters.

5. C 2014-213 Communication (07/11/2014) from the County Attorney, requesting authorization to expend additional funds up to \$50,000 for Special Counsel's continued services provided in Syngenta Seeds, Inc., a Delaware corporation, et al. vs. County of Kaua'i, Civil No. CV14-00014 BMK (U.S. District Court), and related matters.

H. CLAIM:

1. C 2014-214 Communication (07/03/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Richard A. Schmidt, for reimbursement of expenses, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:

1. HOUSING & TRANSPORTATION COMMITTEE:

- a. **CR-HT 2014-02:** on HT 2014-02 Communication (04/08/2014) from Council Chair Furfaro, requesting the presence of the Housing Director, to provide an update on the Lima Ola Workforce Housing Development.
[Received for the Record.]

J. RESOLUTIONS:

1. Resolution No. 2014-36 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO ANY COUNTY COUNCIL VACANCY IN OFFICE
(Public Hearing held 07/09/2014)

2. Resolution No. 2014-37 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND *(Public Hearing held 07/09/2014)*

3. Resolution No. 2014-41 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION *(Ivory K. McClintock)*

K. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-743 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Grant W. Gribble vs. County of Kaua'i, et al., Civil No. 08-1-0231 (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-744 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Michael G. Sheehan vs. County of Kaua'i, et al., Civil No. 10-1-0161 (Agency Appeal), Fifth Circuit Court, currently being appealed by Mr. Sheehan under Intermediate Court of Appeals No. CAAP-11-0000601, Michael G. Sheehan vs. County of Kaua'i, et al., Civil No. CV12-00195 HG BMK, U.S. District Court, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-745 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Syngenta Seeds, Inc., a Delaware corporation, et al. vs. County of Kaua'i, Civil No. CV14-00014 BMK (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. Bill No. 2547 – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC

- N. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.